



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,096	02/11/2004	Fumio Takahashi	2015-0103004Reg	1583

22850 7590 05/11/2007  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER	
DEGHAN, QUEENIE S	

ART UNIT	PAPER NUMBER
1731	

NOTIFICATION DATE	DELIVERY MODE
05/11/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

## Office Action Summary

Application No.

10/775,096

Applicant(s)

TAKAHASHI, FUMIO

Examiner

Queenie Dehghan

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Claim 1 in the reply filed on February 20, 2007 is acknowledged. The traversal is on the ground(s) that undue burden has not been established. This is not found persuasive because the groups are classified in different classifications.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

2. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by DiGiovanni et al. (6,735,985). DiGiovanni et al. disclose a method of manufacturing an optical fiber comprising: heating at least a portion of an optical fiber preform; drawing an optical fiber at a speed of 500 meters per minute or more from the optical fiber preform heated (col. 3 lines 51-55, col. 5 line 30); and impressing a spin on the optical fiber, while drawing, alternately in a clockwise direction and in a counterclockwise direction with a predetermined angle (col. 4 lines 20-25, col. 6 lines 39-53) in such a manner that a maximum spatial frequency "y" of the spin per meter satisfies a relationship of  $\exp(24x-12) \leq y \leq 4$ , where "x" is non-circularity of the cladding in percent (col. 4 lines 7-8, col. 5 lines 1-2), resulting in a polarization mode dispersion of the optical fiber of 0.5 ps/km<sup>1/2</sup> or less at the wavelength of 1310 nanometers. Furthermore, there is no reason to expect that the resulting fiber would not result in an optical fiber comprising a core and a cladding and having a maximum relative refractive index difference of the core with the

Art Unit: 1731

cladding of 0.3% to 0.5% and a mode field diameter of 8 micrometers to 10 micrometers at a wavelength of 1310 nanometers.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roba et al. (2001/0020374) in view of Chen et al. (6,876,804). Roba et al. disclose a method of manufacturing an optical fiber comprising: heating at least a portion of an optical fiber preform [0063]; drawing an optical fiber at a speed of 500 meters per minute or more from the optical fiber preform heated ([0063], [0084]); and impressing a spin on the optical fiber, while drawing, alternately in a clockwise direction and in a counterclockwise direction with a predetermined angle ([0086], [0087]). However, Roba et al. fail to disclose a particular spin frequency achieved in impressing spin on the fiber.

Art Unit: 1731

Chen et al. teach impressing a spin on an optical fiber, while drawing (col. 5 lines 7-8), with a predetermined angle (col. 6 lines 4-33) in such a manner that a maximum spatial frequency "y" of the spin per meter satisfies a relationship of  $\exp(24x-12) \leq y \leq 4$ , where (col. 3 lines 4-10), and that a polarization mode dispersion of the optical fiber manufactured is  $0.5 \text{ ps/km}^{1/2}$  or less at the wavelength of 1310 nanometers (col. 2 lines 41-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the spin rate of Chen in the process of Roba in order to impart a spin the fiber resulting in a low PMD, such as  $0.5 \text{ ps/km}^{1/2}$  or less.

Furthermore, there is no reason to expect that the resulting fiber of Roba et al. and Chen et al. processes would not result in an optical fiber comprising a core and a cladding and having a maximum relative refractive index difference of the core with the cladding of 0.3% to 0.5% and a mode field diameter of 8 micrometers to 10 micrometers at a wavelength of 1310 nanometers.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Queenie Dehghan whose telephone number is (571)272-8209. The examiner can normally be reached on Monday through Friday 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Q Dehghan

  
STEVEN P. GRIFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700